



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue  
Seattle, WA 98101

MAR 2 2001

Reply To  
Attn Of: OAQ-107

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Mr. George J. Harad, President  
Boise Cascade Corporation  
1111 West Jefferson Street  
Boise, Idaho 83728-0001

Re: Notice of Violation  
Boise Cascade Corporation facilities:  
Emmett, Idaho; Elgin, Oregon; La Grande ("Island City"), Oregon; Medford, Oregon;  
White City ("Rogue Valley"), Oregon; Kettle Falls, Washington; Florien, Louisiana;  
Oakdale, Louisiana

Dear Mr. Harad:

You are hereby served with the enclosed Notice of Violation ("NOV") issued pursuant to Section 113 of the Clean Air Act ("Act"), 42 U.S.C. § 7413. The United States Environmental Protection Agency ("EPA") has found that the Boise Cascade Corporation ("Boise Cascade") has violated or is in violation of the Prevention of Significant Deterioration ("PSD") of air quality regulations promulgated at 40 C.F.R. Part 52, pursuant to Sections 165-169 of the Act, 42 U.S.C. §§ 7475-7479; and the Idaho, Oregon, Washington, and Louisiana State Implementation Plans ("SIPs"), approved by EPA pursuant to Section 110 of the Act, 42 U.S.C. § 7410.

Under Section 113 of the Act, 42 U.S.C. § 7413, EPA is required to notify any person found to be in violation of any requirement of a SIP. The enclosed NOV satisfies that provision. Please note that the NOV is being issued under the signatures of the two EPA regional offices associated with the violations of concern. In accordance with Section 113 of the Act, 42 U.S.C. § 7413, a copy of this notice of violation is also being sent to the states where the facilities are located.

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

**Mr. George J. Harad, President  
Boise Cascade Corporation  
1111 West Jefferson Street  
Boise, ID 83728-0001**

4a. Article Number

**Z 219 892 742**

4b. Service Type

- |   |   |
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| <input type="checkbox"/> Registered                     | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail                   | <input type="checkbox"/> Insured              |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD                  |

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

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**X**

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:	)	
	)	
Boise Cascade Corporation	)	Section 113(a) of the
Boise, Idaho	)	Clean Air Act,
	)	42 U.S.C. § 7413(a)
Respondent	)	
	)	

**NOTICE OF VIOLATION**

**I. FEDERAL STATUTORY AND REGULATORY AUTHORITIES**

1. This Notice of Violation ("NOV") is issued pursuant to Section 113(a) of the Clean Air Act, as amended ("Act"), 42 U.S.C. § 7413(a). Unless otherwise noted, all citations in this NOV are to the amended Act of 1990.

2. You are hereby notified that the Administrator of the United States Environmental Protection Agency ("EPA"), by authority duly delegated to the undersigned, and in accordance with Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), finds that the Boise Cascade Corporation ("Respondent") has violated and is in violation of the State Implementation Plans ("SIPs") approved under the Act for the States of Idaho, Oregon, Washington, and Louisiana. Violations of SIP requirements are subject to federal enforcement action under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. § 52.23.

3. In addition, EPA also finds, in accordance with Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), that Respondent has violated and is in violation of Part C of Subchapter I of the Act, 42 U.S.C. § 7470-7492, the Prevention of Significant Deterioration ("PSD") provisions of the Act. Section 165(a) of the Act, 42 U.S.C. § 7475(a), prohibits the construction

"significant" is defined in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, at a rate of emissions that would equal or exceed any of the following: for carbon monoxide ("CO"), 100 tons per year; for ozone, 40 tons per year of volatile organic compounds ("VOCs"); for nitrogen oxides ("NOx"), 40 tons per year; and for particulate matter ("PM"), 25 tons per year.

## II. EPA REGION 10 FACILITIES

### A. IDAHO STATUTORY AND REGULATORY AUTHORITIES

1. EPA initially approved the Idaho SIP on May 31, 1972. Numerous and subsequent revisions and amendments to the Idaho SIP have been approved by EPA.

2. On March 2, 1976, EPA approved the amendments to the *Rules and Regulations for the Control of Air Pollution in Idaho Manual*, Regulation A, Section 3, B that provides, in part, that "[n]o owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining a Permit to Construct from IDEQ."

3. Prior to August 22, 1986, the effective date of the EPA approval of the Idaho SIP PSD provisions, the Federal PSD provisions found at 40 C.F.R. § 52.21 were incorporated by reference into the Idaho SIP, and applied to PSD sources in Idaho.

4. On June 23, 1986, EPA approved amendments to Chapter VII, *Approval Procedures for New and Modified Facilities*, and Appendix A.3, "Title 1, Chapter 1, *Rules and Regulations for the Control of Air Pollution in Idaho Manual*," Sections 1-1002 Definitions, 1-1012 Procedures and Requirements for Permits to Construct and Operating Permits, 1-1014 Stack Heights and Dispersion Techniques, and 1-1101 Air Quality Standards and Area Classification,

or modification of any stationary source, major facility, or major modification without first obtaining a permit to construct that satisfies the requirements of Section 1-1012 (1986), codified at 16.01.01012 (1993) ("Idaho PSD Review").

10. IDAPA 1-1012.04 (1986), recodified as IDAPA 16.01.01012,04 (1993) (as incorporated into the Idaho SIP), provides that an application for a permit to construct or an operating permit must be accompanied by all information necessary to perform any analysis or make any determination required under Section 1-1012 (1986), codified at Section 16.01.01012, which includes a description of appropriate BACT that would be applied.

11. IDAPA 1-1012.07 (1986), recodified as IDAPA 16.01.01012,07 (1993) (as incorporated into the Idaho SIP), provides that no permit to construct shall be granted for a new major facility or major modification which is proposed for location in an attainment or unclassifiable area for any contaminant, with certain exceptions, unless the applicant demonstrates that the new major facility or major modification would use BACT.

12. The Idaho Code ("I.C."), Title 39-108 provides that whenever the director of the Department of Health and Safety determines that any person is in violation of any provision of the Idaho Environmental Protection and Health Act (I.C. Title 39-101 through 39-130) or any rule, regulation, permit, or order issued or promulgated pursuant to the Idaho Environmental Protection and Health Act, the director may commence either an administrative or civil judicial enforcement action.

#### **B. Emmett, Idaho Facility**

#### **Findings**

1. Respondent owns and operates a plywood plant and wood products complex in



increase in PTE of PM emissions.

12. On numerous occasions since 1983, Respondent has failed to properly identify CO, VOC, NO<sub>x</sub>, and PM emissions, undergo federal or Idaho PSD Review, apply BACT for each pollutant subject to regulation under the Act that it would have the potential to emit in significant amounts, and meet permitted emission limits, as required by the federal PSD regulations and the Idaho SIP.

### Violations

13. The Emmett facility is and was at the time Respondent made the modifications cited in paragraphs B4-B6, B8, and B10 a "major emitting facility," within the meaning of 42 U.S.C. § 7479(1), and a "major facility," within the meaning of IDAPA 1-1002.50 (1986), recodified as IDAPA 16.01.01003,54 (1993), for CO and PM as defined in the Idaho SIP.

14. The 1983-85 modifications cited in paragraphs B4-B6 were a "major modification" as defined by the federal PSD regulations.

15. Respondent failed to undergo federal PSD review prior to the major modification cited in paragraphs B4-B6.

16. The 1988 modification cited in paragraph B8 was a "major modification" as defined by the Idaho SIP.

17. Respondent failed to undergo Idaho PSD review prior to the major modification cited in paragraph B8.

18. The 1990 modification cited in paragraph B10 was a "major modification" as defined by the Idaho SIP.

19. Respondent failed to undergo Idaho PSD review prior to the major modification cited

which emits, or has the potential to emit, any regulated air pollutant at a "significant emission rate." This definition is codified in the Oregon Administrative Rules ("OAR").

5. The Oregon SIP defined "major source" at OAR 340-020-225(15) (1981) until it was renumbered and recodified in substantially the same form in 1989 at 340-020-225(16) (1989), and approved by EPA and incorporated into the Oregon SIP in 1991. OAR 340-020-225(16) was renumbered and recodified in substantially the same form at OAR 340-028-0110(58) (1996), and approved by EPA and incorporated into the Oregon SIP on March 7, 1997, effective May 6, 1997.

#### Definition of Significant Emission Rate

6. Since August 13, 1982, the Oregon SIP has defined "significant emission rate" as emissions of 100 tpy for CO; 40 tpy for VOC; 40 tpy for NO<sub>x</sub>; and 25 tpy for PM. This definition is codified in the OAR.

7. The Oregon SIP defined "significant emission rate" at OAR 340-020-225(22) (1981) until it was renumbered and recodified in substantially the same form at OAR 340-020-225(25) (1989), with the addition of a definition of a "significant emission rate" for PM<sub>10</sub> as emissions of 15 tpy. OAR 340-20-225(25) was renumbered and recodified in substantially the same form at OAR 340-028-110 (1996), and approved by EPA and incorporated into the Oregon SIP on March 7, 1997, effective May 6, 1997.

#### Definition of Major Modification

8. Since August 1982, the Oregon SIP has defined "major modification" as any physical change or change of operation of a source that would result in a net significant emission rate increase for any regulated air pollutant. Calculations of net emission increases take into account

### Oregon SIP Information Requirements

12. Since August 1982, the Oregon SIP has provided that an owner or operator of a proposed major source or modification shall submit all information necessary to perform any analysis or make any determination required under the OAR, including: (a) a description of the nature, location, design capacity, and typical operating schedule of the source or modification; (b) an estimate of the amount and type of each air contaminant emitted by the source in terms of hourly, daily, and yearly rates, showing the calculation procedure; (c) a detailed schedule for construction of the source or modification; (d) a detailed description of the system of continuous emission reduction which is planned for the source or modification, and any other information necessary to determine BACT or Lowest Achievable Emission Rate ("LAER") technology, whichever is applicable; (e) an analysis of the air quality impacts of the source or modification, including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts; and (f) an analysis of the air quality and/or visibility impacts, and the nature and extent of all commercial, residential, industrial, and other source emission growth which has occurred since January 1, 1978, in the area the source or modification would affect. These requirements, codified in the OAR, are referred to in this NOV as the "Oregon SIP Information Requirements."

13. The Oregon SIP Information Requirements were located at OAR 340-020-230(1) (1981) until they were renumbered and recodified in substantially the same form at OAR 340-028-1910(1) (1996), which was approved by EPA, and incorporated into the Oregon SIP March 7, 1997, effective May 6, 1997.



major sources or major modifications located in areas designated as attainment or unclassifiable: (1) demonstrate BACT for each pollutant which is emitted at a significant emission rate; and (2) conduct an Air Quality Analysis demonstrating that the potential to emit any pollutant at a "significant" emission rate, in conjunction with all other applicable emissions increases and decreases (including secondary emissions), would not cause or contribute to air quality levels in excess of (A) any state or national ambient air quality standard; or (B) any applicable increment established by the applicable PSD requirements; or (C) an impact on a designated nonattainment area greater than the significant air quality impact levels; (3) [lists exemptions]; (4) include air quality models; (5) submit with the application, an analysis of the ambient air quality in the area of the proposed project; (6) provide analysis of the impairment to visibility, soils, and vegetation that would occur as a result of the source or modification and general commercial, residential, industrial, and other growth associated with the source or modification. These requirements, codified in the OAR, are referred to in this document as the "Oregon SIP BACT Requirements."

17. The Oregon SIP BACT Requirements were located at OAR 340-020-245 (1981) until they were renumbered and recodified in substantially the same form at OAR 340-028-1940 (1996), and approved by EPA and incorporated into the Oregon SIP March 7, 1997, effective May 6, 1997.

#### Air Contaminant Discharge Permits

18. Since August 1982, the Oregon SIP has provided that no person shall construct, install, establish, develop, or operate any air contaminant source without first obtaining a permit from ODEQ.

19. This requirement was codified in the Oregon SIP, appearing at 340-020-155(2)

26. These requirements shall be referred to in this NOV as the "PSEL Rules."

#### Oregon SIP Enforcement Provisions

27. Since August 1982, the Oregon SIP has provided that any owner or operator who constructs or operates a source or modification not in accordance with the terms of any approval to construct, or any owner or operator of a source or modification who commences construction without applying for and receiving an ACD permit, shall be subject to appropriate enforcement action. This provision, codified in the OAR, is referred to in this document as the "Oregon SIP Enforcement Provisions."

28. The Oregon SIP Enforcement Provisions were located at OAR 340-020-230(2)(a) (1981) until they were renumbered and recodified in substantially the same form at OAR 340-028-1910(2)(a) (1996), and approved by EPA and incorporated into the Oregon SIP on March 7, 1997, effective May 6, 1997.

#### **D. Elgin, Oregon**

##### Findings

1. Respondent owns and operates a plywood and stud mill in Elgin, Oregon ("Elgin facility").
2. The Elgin facility is located in an area that is designated as "Class II" under Section 162(b) of the Act, 42 U.S.C. § 7472(b), and is in attainment for the National Ambient Air Quality Standards for CO, Ozone, NO<sub>x</sub>, and PM<sub>10</sub> under Section 107(d) of the Act, 42 U.S.C. § 7407(d).
3. Since at least 1977, the Elgin facility had the potential to emit in excess of 100 tpy CO, 40 tpy VOC, 40 tpy NO<sub>x</sub> and 25 tpy PM.
4. The Elgin facility was modified in 1985 with the installation of a new barking system,



15. As a result of the modification in paragraph D14, there was a net significant increase in the emission of CO and a net significant increase in the PTE of VOC and NOx emissions.

16. In response to the modifications described in paragraphs D4-12 and D14, Respondent has failed to properly identify CO, VOC, and NOx emissions, undergo Oregon PSD Review, apply BACT for each pollutant subject to regulation under the Act that it would emit in significant amounts, and meet permitted emission limits as required by the Oregon SIP and by the Federal PSD regulations.

#### Violations

17. The Elgin facility is and was at the time Respondent made modifications cited in paragraphs D4-D12 and D14 a "major source" for CO, VOC, NOx and PM, as defined by the Oregon SIP.

18. The modification cited in paragraph D12 was a "major modification" as defined by the Oregon SIP.

19. The modification cited in paragraph D14 was a "major modification" as defined by the Oregon SIP.

20. Respondent failed to comply with the Oregon SIP New Source Permitting Requirements prior to the major modifications described in paragraphs D12 and D14 in violation of the Oregon SIP.

21. Respondent failed to comply with the Oregon SIP Information Requirements prior to the major modifications described in paragraphs D12 and D14 in violation of the Oregon SIP.

22. Respondent failed to comply with the Oregon SIP BACT Requirements prior to the major modifications described in paragraphs D12 and D14 in violation of the Oregon SIP.

dryers.

5. As a result of the 1984 modification described in paragraph E4, there was a net significant increase in the emissions of VOC, NOx, and PM.

6. The Island City facility was modified in 1988 with the installation of a new refiner on Line #1 and the replacement of the automated control system for the particleboard lines.

7. As a result of the 1988 modifications described in paragraph E6, there was a net significant increase in 1989 of VOC and NOx emissions.

8. The Island City facility was modified in 1992 with the installation of a particleboard reclaim system, a metering bin, and a high pressure air system.

9. As a result of the 1992 modifications described in paragraph E8, there was a net significant increase in VOC and NOx emissions.

10. The Island City facility was modified in 1994 with the upgrade of boiler combustion controls that allowed an increase in steam production and particleboard production.

11. As a result of the 1994 modifications described in paragraph E10, there was a net significant increase in VOC and NOx emissions.

12. The Island City facility was modified in 1996 with the installation of a Predryer System that included storage and metering equipment, a triple-pass rotary drum dryer, and a wet electrostatic precipitator ("WESP").

13. As a result of the 1996 modifications described in paragraph E12, there was a net significant increase in VOC and NOx emissions.

14. When making the modifications described in paragraphs E4, E6, E8, E10, and E12, Respondent has failed to properly identify VOC, NOx, and PM emissions, undergo Oregon PSD



SIP.

23. Respondent failed to comply with Oregon SIP BACT Requirements prior to the major modifications described in paragraphs E4, E6, E8, E10, and E12 in violation of the Oregon SIP.

24. Respondent failed to comply with the ACDP Rules in conjunction with the modifications described in paragraphs E4, E6, E8, E10, and E12 in violation of the Oregon SIP.

25. Respondent failed to comply with the PSEL Rules in conjunction with the modifications described in paragraphs E4, E6, E8, E10, and E12 in violation of the Oregon SIP.

26. In addition, Respondent violated individual PSELs for CO in 1995-97; VOC in 1996-1997; and NOx in 1995-1997.

27. Therefore, since at least 1984, Respondent has been in violation of Section 165(a) of the Act, 42 U.S.C. § 7475(a), and the Oregon SIP.

28. Violations of Oregon SIP requirements are subject to federal enforcement action under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. § 52.23.

#### **F. Medford, Oregon**

##### **Findings**

1. Respondent owns and operates a plywood plant and lumber mill in Medford, Oregon (“Medford facility”).

2. The Medford facility is located in an area that is designated as “Class II” under Section 162(b) of the Act, 42 U.S.C. § 7472(b).

3. The Medford facility is located in an area that was designated “non-attainment” for TSP, under Section 107(d) of the Act, 42 U.S.C. § 7407(d), as defined in Section 171 of the Act, 42 U.S.C. § 7501.

12. As a result of modifications listed in paragraphs F8-F11, there was a net significant increase in the emission of CO.

13. The Medford facility was modified in 1988 with the upgrade of the powerhouse controls.

14. The Medford facility was modified in 1989 with the installation of the sixth veneer dryer and WESP and an increase in the permitted veneer production limit.

15. As a result of the modifications listed in paragraphs F13-F14, there was a net significant increase in CO and VOC emissions.

16. The Medford facility was modified in 1990 with the installation of a hogged fuel boiler, an electrostatic precipitator ("ESP"), and a WESP.

17. The Medford facility was modified in 1992 with the installation of new backup rolls on lathes #1 and #2.

18. The Medford facility was modified in 1994 with the installation of a new veneer clipper control system, a new automated lay-up line (#1), and an increase in the permitted plywood production limit.

19. The Medford facility was modified in 1995 with the replacement of the X-Y charger positioner, scanners, and associated electronics.

20. As a result of the modifications listed in paragraphs F16-F19, there was a net significant increase of VOC and NOx emissions.

21. The Medford facility was modified in 1996 with the installation of a new automated lay-up line (#2).

22. As a result of the modification listed in paragraph F21, there was a net significant



the major modifications described in paragraphs F11, F13-F14, F19, and F21 in violation of the Oregon SIP.

31. Respondent failed to comply with the Oregon SIP BACT Requirements prior to the major modifications described in paragraphs F11, F13-F14, F19, and F21 in violation of the Oregon SIP.

32. Respondent failed to comply with the Oregon SIP LAER Requirements prior to the major modifications described in paragraphs F11, F13-F14, F19, and F21 in violation of the Oregon SIP.

33. Respondent failed to comply with the ACDP Rules in conjunction with the modifications described in paragraphs F8-F11, F13-F14, F16-F19, and F21 in violation of the Oregon SIP.

34. Respondent failed to comply with the PSEL Rules in conjunction with the modifications described in paragraphs F8-F11, F13-F14, F16-F19, and F21 in violation of the Oregon SIP.

35. In addition, Respondent violated individual PSELs for VOCs in 1994-1997.

36. Therefore, since at least 1983, Respondent has been in violation of Section 165(a) of the Act, 42 U.S.C. § 7475(a), and the Oregon SIP.

37. Violations of Oregon SIP requirements are subject to federal enforcement action under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. § 52.23.

#### **G. White City, Oregon ("Rogue Valley")**

##### **Findings**

1. Respondent owns and operates a plywood plant in White City, Oregon ("Rogue

11. As a result of the modification described in paragraphs G7-G10, there was a net significant increase in CO emissions.

12. The Rogue Valley facility was modified in 1987 with the installation of an automated plywood lay-up line, a WESP, and a dryer pre-heater section on dryer #3.

13. The Rogue Valley facility was modified in 1988 when the fans in dryer #2 were moved to change the direction of air flow in the dryer.

14. As a result of the modification described in paragraphs G12-G13, there was a net significant increase in CO and VOC emissions.

15. The Rogue Valley facility was modified in 1989 with the replacement of a WESP, the addition of a second wood-fired heat cell for the veneer dryers, the installation of automatic dryer feeders, and with the replacement of veneer dryer #1 with a veneer dryer from a closed facility.

16. As a result of the modification described in paragraph G15, there was a net significant increase in CO and VOC emissions.

17. The Rogue Valley facility was modified in 1992 with the installation of a new plywood panel lay-up line.

18. As a result of the modification described in paragraph G17, there was a net significant increase in CO and VOC emissions.

19. In making the modifications described in paragraphs G7-G10, G12-13, G15, and G17, Respondent has failed to properly identify CO and VOC emissions, undergo Oregon PSD Review, apply BACT for each pollutant subject to regulation under the Act that it would emit in significant amounts, and meet permitted emission limits as required by the federal PSD regulations and the Oregon SIP.

modifications described in paragraphs G7-G10, G12-G13, G15, and G17 in violation of the Oregon SIP.

29. Respondent failed to comply with the PSEL Rules in conjunction with the modifications described in paragraphs G7-G10, G12-G13, G15, and G17 in violation of the Oregon SIP.

30. In addition, Respondent violated individual PSEs for CO in 1994-97; and VOC in 1994-1997.

31. Therefore, since at least 1979, Respondent has been in violation of Section 165(a) of the Act, 42 U.S.C. § 7475(a), and the Oregon SIP.

32. Violations of Oregon SIP requirements are subject to federal enforcement action under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. § 52.23.

#### **H. WASHINGTON STATUTORY AND REGULATORY AUTHORITIES**

1. EPA initially approved the Washington SIP on May 31, 1972. Numerous subsequent revisions and amendments to the Washington SIP have been approved by EPA.

2. Under Section 161 of the Act, 42 U.S.C. § 7471, each SIP shall contain measures necessary to prevent significant deterioration of air quality in each region designated as being in attainment with National Ambient Air Quality Standards.

3. Pursuant to 40 C.F.R. § 52.21(a), where a SIP has been disapproved with respect to prevention of significant deterioration, the provisions of 40 C.F.R. § 52.21 shall be the applicable PSD provisions in the geographic area covered by the disapproval.

4. Since the PSD program submitted by the State of Washington was found not to be consistent with the requirements of sections 160 through 165 of the Act and implementing



and controls on the lathe, the replacement of lathe spindles and spindle drives, and the installation of an electrified filter bed ("EFB") on the hogged fuel boiler.

9. As a result of the modifications described in paragraph I8 there was a net significant increase in PTE of CO emissions.

10. The Kettle Falls facility was modified in 1992 with the replacement of a chipper, chip conveyor system, and lathe block charger.

11. As a result of the modifications described in paragraph I10 there was a net significant increase in PTE of CO emissions.

12. The Kettle Falls facility was modified in 1993 with the installation of a third veneer dryer.

13. As a result of the modification described in paragraph I12 there was a net significant increase in PTE of CO emissions.

14. The Kettle Falls facility was modified in 1994 with the replacement of steam vats and the modification of a sorter/stacker system.

15. As a result of the modifications described in paragraph I14 there was a net significant increase in PTE of CO and PM emissions.

16. In making the modifications described in paragraphs I4, I6, I8, I10, I12, and I14 Respondent has failed to properly identify CO and PM emissions, undergo federal PSD Review, apply BACT for each pollutant subject to regulation under the Act that it would emit in significant amounts, and meet permitted emission limits as required by the federal PSD regulations and the Washington SIP.

### III. EPA REGION VI FACILITIES

#### A. FLORIEN, LOUISIANA FACILITY

##### Findings

1. Respondent owns and operates a plywood plant in Florien, Sabine Parish, Louisiana ("Florien facility").
2. Since 1980, the Florien facility had the potential to emit in excess of 250 tpy of VOC and CO.
3. In 1981, Respondent assumed operation of the Florien facility from Vancouver Plywood Company, a joint venture owned by Getty Oil Company and Boise Southern.
4. The Florien facility was modified in 1982 with the addition of a 120,000 lb/hr hogged fuel boiler ("B1"), the addition of a steam dryer (Dryer #4), and the addition of a third press (Press #3); the conversion of two dryers (Dryer #1 and 2) from gas to steam; and the placement of five natural gas boilers (Boilers # 1-5) on standby.
5. The Florien facility was modified in 1985 with the replacement of moisture detectors on Dryer #1 and #2.
6. On January 1, 1986, the ownership and operation of the Florien facility reverted to Respondent.
7. In 1986, the Florien facility was modified with the installation of computer controls and dryer accumulators on Dryers #1, #2, and #4.
8. The Florien facility was modified in 1991 with the addition of a cooling section, dryer unloader, and moisture detector to Dryer #2.
9. In 1992, the Florien facility was modified with the addition of a cooling section to

17. LAQR 90.18, codified as 33 LAC III.509.R (as incorporated into the Louisiana SIP), provides that an owner or operator of a source subject to the PSD permitting requirements of 33 LAC III:509 that commences construction without applying for and receiving a PSD permit shall be subject to appropriate enforcement action.

18. The term "major stationary source" is defined at LAQR 90.2, codified as 33 LAC III:509.B (as incorporated into the Louisiana SIP), to include any facility which emits, or has the potential to emit, 250 tons per year or more of any air pollutant subject to regulation under the Act, or any physical change that would occur at a stationary source not otherwise qualifying as a major stationary source, if the changes would constitute a major stationary source by itself.

19. The term "major modification" is defined at LAQR 90.2(2), codified at 33 LAC III.509.B. (as incorporated into the Louisiana SIP), to mean any physical change or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Act.

20. The provisions of LAQR 90.2(22), codified at 33 LAC III:509.B. (as incorporated into the Louisiana SIP), establish that a "significant" net emissions increase or the potential of a source to emit CO, NO<sub>x</sub>, PM, or VOC would be 100 tpy of CO emissions, 40 tpy of NO<sub>x</sub> emissions, 25 tpy of PM emissions, and 40 tpy of VOC emissions.

21. At all times relevant to this NOV, the Florien facility was located in an area that was designated as "Class II" under Section 162(b) of the Act, 42 U.S.C. § 7472(b), and that has attained the National Ambient Air Quality Standards for CO, Ozone, NO<sub>x</sub> and PM under Section 107(d) of the Act, 42 U.S.C. § 7407(d).

22. The Florien facility is, and was at the time Respondent made the modifications cited



27. LAQR 6.3.3 (codified as 33 LAC III:505.H.3. and incorporated into the Louisiana SIP) provides that to comply with these regulations, the report or permit request concerning the contemplated actions enumerated must include: a statement giving the location of sources of emission of air contaminants, the size of the outlets of such sources, the rate of the emission from such sources and the composition and description of the air contaminants being emitted from said sources.

28. LAQR 6.3.5 (codified as 33 LAC III:505.H.5. and incorporated into the Louisiana SIP) provides that to comply with these regulations, the report or permit request concerning the contemplated actions enumerated shall include, inter alia, the following: an estimate of the extent to which emission from the proposed facilities will alter or affect the quality of the air of Louisiana.

29. LAQR 8.8 and LAQR 17.8 (codified as 33 LAC III:915.E. and approved by EPA on March 8, 1989, as part of the Louisiana SIP) provides that no person shall cause or permit any means that conceals an emission of air contaminants which would otherwise violate these regulations. On March 8, 1989, EPA approved Louisiana's codification of LAQR 6 to 33 LAC III:501-505, effective May 8, 1989.

30. LAQR 90.9(1) (codified as 33 LAC III:509.I.1. and incorporated into the Louisiana SIP) provides that no major stationary source or major modification shall begin actual construction without a permit.

31. Respondent has failed to fully and accurately identify VOC emissions from the modifications cited in paragraphs A4, A5 and A7-A10 above and to meet permitted emission limits, in violation of the Louisiana SIP.

required by the Federal PSD regulations.

### Violations

9. The Louisiana SIP was approved by EPA on October 28, 1972. Numerous subsequent revisions and amendments to the Louisiana SIP have been approved by EPA.

10. Prior to May 26, 1987, the effective date of the EPA approval of the Louisiana SIP PSD provisions, the requirements of 40 C.F.R. § 52.21 applied to PSD sources and were incorporated by reference into the Louisiana SIP. 40 C.F.R. § 52.21(i) provides that no major stationary source or major modification shall begin actual construction without a permit.

11. On April 24, 1987, EPA approved LAQR 90 as part of the federally enforceable Louisiana SIP, effective May 26, 1987. Therefore, effective May 26, 1987, the requirements of LAQR 90 apply to PSD sources.

12. The PSD provision of LAQR 90 were codified as 33 LAC III:509 and approved by EPA on March 8, 1989, effective May 8, 1989. Therefore, effective May 8, 1989, the requirements of 33 LAC III:509 apply to PSD sources.

13. LAQR 90.9(1), codified as 33 LAC III:509 I.1 (as incorporated into the Louisiana SIP), provides that no major stationary source or major modification shall begin actual construction without a permit.

14. LAQR 90.18, codified as 33 LAC III.509.R (as incorporated into the Louisiana SIP), provides that an owner or operator of a source subject to the PSD permitting requirements of 33 LAC III:509 that commences construction without applying for and receiving a PSD permit shall be subject to appropriate enforcement action.

15. The term "major stationary source" is defined at LAQR 90.2, codified as 33 LAC

incorporated into the Louisiana SIP).

21. Therefore, since at least 1985, Respondent has been in violation of Section 165(a) of the Act, 42 U.S.C. § 7475(a), 40 C.F.R. § 52.21, and the Louisiana SIP.

22. On February 14, 1980, EPA approved Louisiana Air Quality Regulations ("LAQR") 8 and 17 and conditionally approved LAQR 6.0 as part of the federally enforceable SIP. On February 10, 1982, EPA approved LAQR 6.0; on March 8, 1989, EPA approved LAQR 6.1, 6.3.3 and 6.3.3.2.

23. LAQR 6.1 (codified as 33 LAC III:505.A.1 and incorporated into the Louisiana SIP) provides that any person planning to initiate, or increase the emission of contaminants shall, before beginning construction, modification or operation of any facility which ultimately may result in emissions, advise the Louisiana Department of Environmental Quality and supply a permit request (report) describing what is proposed and the steps which will be taken to protect the air of the state against new pollution or an increase in existing air pollution. This report must include plans, specifications, and any other information the Commission deems necessary to make a decision under 6.1.3. No construction of modification or operation of a facility may be started until the report has been approved and a certificate of approval (permit) for the work has been received.

24. LAQR 6.3.3 (codified as 33 LAC III:505.H.3 and incorporated into the Louisiana SIP) provides that to comply with these regulations, the report or permit request concerning the contemplated actions enumerated must include: a statement giving the location of sources of emission of air contaminants, the size of the outlets of such sources, the rate of the emission from such sources and the composition and description of the air contaminants being emitted from said



violation:

- a. issue an administrative order requiring compliance with the requirements of the state implementation plan or a federally enforceable permit; or
- b. issue an administrative penalty order pursuant to procedures established under Section 113(d) of the Act, 42 U.S.C. § 7413(d), for civil administrative penalties of up to \$25,000 per day for each violation that occurred prior to January 31, 1997; and pursuant to 40 C.F.R. Part 19, \$27,500 per day for each violation that occurred on or after January 31, 1997; or
- c. bring a civil action pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b), for injunctive relief and/or civil penalties of up to \$25,000 per day for each violation that occurred prior to January 31, 1997; and pursuant to 40 C.F.R. Part 19, \$27,500 per day for each violation that occurred on or after January 31, 1997.

2. Pursuant to Section 120 of the Act, 42 U.S.C. § 7420, EPA is also authorized to assess noncompliance penalties aimed at recovering economic benefits which any person receives by operating its facility out of compliance.

3. Furthermore, for any person who knowingly violates any plan or permit requirement more than 30 days after the date this Notice of Violation is issued, Section 113(c) of the Act, 42 U.S.C. § 7413(c), provides for criminal penalties or imprisonment, or both.

4. In addition, under Section 306(a) of the Act, 42 U.S.C. § 7606(a), the regulations promulgated thereunder, 40 C.F.R. Part 15, and Executive Order 11738, facilities that receive federal contracts, grants, and loans must be in full compliance with the Act and all regulations promulgated pursuant to the Act. Violation of the Act may result in the subject facility being

represented by counsel at any such conference. A request for a conference should be made within 30 days of issuance of this NOV to:

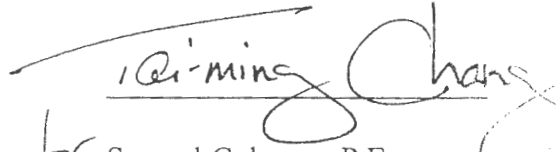
Jeff Kopf, Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 10  
Office of Regional Counsel  
1200 Sixth Avenue, ORC-158  
Seattle, Washington 98101  
(206) 553-1477

By offering the opportunity for a conference or participating in one, EPA does not waive or limit its right to any remedy available under the Act.

Issued this 3<sup>RD</sup> day of MARCH 2000.

Effective Date

This Notice of Violation to the Boise Cascade Corporation shall become effective upon the violations described at facilities located in Region 6 states immediately upon:

  
for Samuel Coleman, P.E.  
Director  
Compliance Assurance and  
Enforcement Division  
U.S. EPA, Region 6